

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
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St. Louis, Missouri 63102

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Clerk of Court

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May 31, 2023

Mr. Robert A. Lengeling
BEITO & LENGELING
Suite 1050
310 Fourth Avenue S.
Minneapolis, MN 55415

RE: 23-2312 United States v. Mark Miller

Dear Counsel:

The district court has transmitted a notice of appeal and docket entries in this criminal matter, and we have docketed them under the caption and case number shown above. Please include the caption and the case number on all correspondence or pleadings submitted to the court.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

As this is a fee paid case, your duties as counsel of record are defined by Eighth Circuit Rule 27B and the Eighth Circuit's Plan to Expedite Criminal Appeals. Please review these materials which are on the "Rules and Publications" page of our web site.

The court has established a briefing schedule for the case, a copy of which will be forwarded under separate notice of docket activity. Please review the schedule and note the key filing dates. You should also review Federal Rules of Appellate Procedure 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redactcr-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbrchk.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

Please note that the court has eliminated the requirement for a clerk's record in criminal appeals, effective January 1, 2013. Record references to the district record made in pleadings and briefs filed in this court must be to the district court docket. For example, if the motion to suppress is district court docket number 11 and a party wishes to reference page 7 of the motion

to suppress, the reference in the brief should be in the format: (R. Doc. 11, at p.7). Transcript references should be to Volume and page number (TR., Vol. 1, p. 123). Exhibit references should be to the exhibit label attached in the district court proceedings: (Government Exh. 1, page 3; Defense Exh. C, page 4). References to the Presentence Investigation Report should be to page number: (PSR, p.17). Additional information should be provided whenever it is necessary to clearly identify a document and avoid confusion.

Paper copies of transcripts, Statements of Reasons, Presentence Investigation Reports and exhibits will be still forwarded from the district court to the circuit clerk's office, and counsel should check with the district court clerk's office to assure that all necessary materials are transmitted on a timely basis.

If a transcript will be required for the appeal, you should promptly contact the official court reporter and take steps to order the transcripts and arrange for payment for their production.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

MMH

Enclosure(s)

cc: Mr. Craig R. Baune
Ms. Brittany Blesener
Ms. Renee Rogge
Mr. Joseph H. Thompson
Clerk, U.S. District Court, District of Minnesota
Mark Allen Miller

District Court/Agency Case Number(s): 0:21-cr-00142-DSD-1

Caption For Case Number: 23-2312

United States of America

Plaintiff - Appellee

v.

Mark Allen Miller

Defendant - Appellant

Addresses For Case Participants: 23-2312

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